

PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REGARDING ARTICLE III SECTION § 345-16 – WHEN SITE PLAN APPROVAL REQUIRED

7/1/2022

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§ 345-16. When site plan approval required.

- A. Threshold for Major Site Plan Review. The following categories of site plans for new construction, land disturbance, rehabilitation and additions, pursuant to N.J.S.A. 40:55D-37a, fall within the major site plan review threshold and must receive Board approval prior to issuance of either a building permit or Certificate of Occupancy:
- ~~1. Creation of ten or more dwelling units, regardless of number of structures and/or phases, and whether developed by one entity or several.~~
 1. Projects on parcels of 10,000 or more square feet.
 2. Projects whose total gross floor area is 10,000 or more square feet.
 3. Additions increasing gross floor area by 2,500 square feet or 50 percent, whichever is less, **except for projects with a total gross floor area is 5,000 square feet or less.**
 4. Additions increasing coverage, by all structures on a project parcel, by 2,500 square feet or 50 percent, whichever is less, **except for projects with a total gross floor area is 5,000 square feet or less.**
 5. Additions increasing gross floor area of all structures on a project parcel by 50 percent or 2,500 square feet, whichever is less, **except for projects with a total gross floor area is 5,000 square feet or less.**
 6. Off-street parking facilities, except for one- or two-family structures meeting minimum parking requirements and meeting the minimum stall size requirements.
 7. Changes in use requiring new or alteration of existing parking and/or loading facilities **with fifteen or more total parking spaces.**
 8. Changes in the volume and/or configuration of existing parking and/or loading facilities **with fifteen or more total parking spaces.**
 9. Wireless telecommunication towers.
 10. Land disturbances greater or equal to **5,000** ~~10,000~~ square feet in area, including but not limited to, the excavation, filling, grading, terracing, deposition of debris, compaction, earthwork construction, removal of vegetation, or dredging. This includes environmental remediation activities requiring a remedial action permit from NJDEP. The construction of utilities within City rights-of-way are exempt.
 11. Alterations of the shoreline, removal or installation of riprap or bulkhead, or the construction of retaining walls, sheet piling, or other structures measuring 50 linear feet or greater which effect the grading, topography, or drainage of a site. The construction of utilities within City rights-of-way are exempt.
- B. Threshold for minor site plan review. The following categories of site plans for new construction, rehabilitation and additions, pursuant to N.J.S.A. 40:55D-37a, fall within the minor site plan review threshold and must receive Board approval prior to issuance of either a building permit or Certificate of Occupancy:
1. **Projects whose total gross floor area is at least 5,000 and less than 10,000 square feet.** ~~Conversions, alterations, renovations and additions to existing storefronts. See § 345-16.D below.~~

2. Wireless communication antennas.
3. **Interim use leasing banners, except when proposed and permitted in § 345-16.E below.** Projects whose total gross floor area is at least 5,000 and less than 10,000 square feet.
4. Any ancillary and/or mechanical equipment for a rooftop solar array which is located in any yard adjacent to a public right-of-way.

C. Threshold for site plan review within redevelopment plan areas.

1. Thresholds based on project size, gross floor area, lot area, additions, and all other criteria as outlined in § 345-16(A) and (B) above shall apply to redevelopment plan areas, with the following exception:
 - a. Any project with deviations that does not meet the threshold for a major site plan shall be considered a minor site plan.
2. Applications for new signage within a redevelopment plan area shall be considered a minor site plan. See § 345-16.D below.

D.3. Site plan review shall not be considered necessary for the following site work:

- 1a. Normal maintenance.
- 2b. Health and safety upgrades that are essentially interior and do not require any changes to the site plan at grade.
- 3e. Interior renovations.
- 4e. Deck, porches, stoops, or balcony construction that otherwise complies with residential bulk standards of the applicable plan.
- 5e. Installation of accessory structures that otherwise complies with all requirements of the applicable redevelopment plan **or zoning district**, with the specific exception of backup generators, which shall require minor site plan review.

ED. **Standards for Interim Use Leasing Banners.** Temporary thresholds for minor site plan review due to COVID-19.

1. ~~Declarations and purpose. Due to the Governor's declaration of a public health emergency and need to implement strict social distancing measures and take other precautions to limit the spread of COVID-19, much business and government activity has been halted, disrupted or delayed. This has in turn resulted in a severe downturn in the economy, where some of the greatest impact has been on small business, stalled construction projects, and new development. It is the purpose of this subsection to lessen some economic barriers through the temporary removal of minor site plan approval requirements.~~

2. ~~Timing. These revised thresholds will last from the enactment of this legislation to the date one year after the lifting of the New Jersey or Jersey City state of emergency order, if both orders are not lifted at the same time. The tolling of time shall begin for whichever order is lifted last.~~

3. ~~Conforming signage in redevelopment plan areas are not required to receive minor site plan review during the time period outlined above.~~

4. ~~Alterations and renovations to existing storefronts under the regulations of Chapter 345, Article V are not required to receive minor site plan approval during the time period outlined above. Conversions and additions of existing storefronts still trigger minor site plan review.~~

15. Interim use **leasing banners may be approved by the Division of Zoning without requiring minor site plan if the following standards are met.** signs in redevelopment plan areas are not required to receive minor site plan review during the time period outlined above.

26. Standards for interim use **leasing banners** signs.

- a. Annual renewal is required for interim use **leasing banners** signs or **violations and/or** fees will be incurred.

- b. Interim use **leasing banners** signs shall advertise leasing opportunities for the building on which they are located.
 - c. All interim use **leasing banners** signs shall be removed or taken down when **payment of annual fees elapses or at the end of three (3) years, whichever comes first.** ~~the time period outlined above elapses.~~
 - d. The maximum size of interim use signs **shall** ~~should~~ be no greater than five percent of the façade or 2,000 square feet whichever is less.
 - e. ~~Interim use signs should not cover windows.~~
 - f. Interim use signs **shall** ~~should~~ only be located on two or three façades.
 - g. Interim use signs should be larger near the top of the building and smaller at the base.
 - h. Upon annual renewal, photo evidence of interim use signs shall be presented to the Division of Zoning to determine compliance and whether any banners need to be replaced due to wear and tear.
- 37.** Fees. For **initial** plan review and determination of **conforming interim use leasing banners** ~~storefront signage or alterations and renovations to existing storefronts,~~ the fee is \$100.00. For plan review of interim use leasing banners, there is an annual fee which starts at \$100.00 and doubles in price every year; thereafter, ~~(should the state of emergency extend past one year), until it is removed. Renewal of interim use signs is not permitted to extend beyond the timing paragraph of this chapter.~~
- 48.** Historic districts and landmarked buildings or sites. For any site in a local historic district or local landmarked building or site, application shall still be made to the historic preservation staff, who shall determine if a certificate of no effect or certificate of appropriateness is required. In the case where a certificate of appropriateness is required but the signage is conforming to applicable land development ordinance or redevelopment plan standards, only historic preservation review is necessary.